

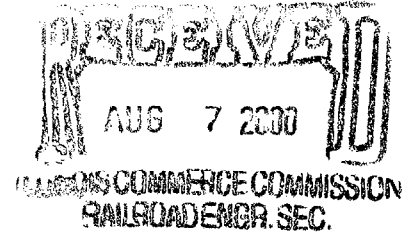
ORIGINAL

ILLINOIS COMMERCE COMMISSION

BLOOMINGTON-NORMAL WATER
RECLAMATION DISTRICT, BODY POLITIC,
Petitioner,

and

NORFOLK SOUTHERN CORPORATION
Respondent



T00-0067

PETITION TO PROCEED WITH CONDEMNATION

Now comes the Petitioner, Bloomington-Normal Water Reclamation District, a Body Politic, by its attorneys, Livingston, Barger, Brandt & Schroeder, and hereby Petitions the Illinois Commerce Commission to be allowed to proceed to exercise its powers of eminent domain under 735 ILCS 5/7-101 et seq. and in support thereof states as follows:

1. That the Bloomington-Normal Water Reclamation District is a Body Politic with its principal place of business in Bloomington, McLean County, Illinois.
2. That the Bloomington-Normal Water Reclamation District is successor in interest to the Bloomington-Normal Sanitary District.
3. That the Norfolk Southern Corporation is a common carrier engaged in interstate commerce and has its principal place of business at 1 Georgia Center, Suite 1650, 600 West Peachtree St., N.W., Atlanta, GA.
4. That attached hereto as Exhibit A, is a copy of a License Agreement between Petitioner and the New York, Chicago & St. Louis Railway Company, Consolidated Railroad Corporation. The Norfolk Southern Corporation is a successor in interest to the New York, Chicago & St. Louis Railway Company.

LIVINGSTON
BARGER
BRANDT
&
SCHROEDER

SUITE 400
115 W. JEFFERSON STREET
BLOOMINGTON, ILLINOIS 61701
(309) 828-5281
FAX (309) 827-3432

8-7-00
DOCKETED
DISTRIBUTED

5. That the attached Exhibit A is a License allowing the Petitioner to construct and maintain a twenty-seven inch intercepting sewer line across a right of way under respondent's tracks in the City of Bloomington, McLean County, Illinois.

6. That the aforementioned License Agreement was entered into by the parties on the 1st day of October, 1925 and the twenty-seven inch intercepting sewer remains within the easement or license allowed by attached Exhibit A.

7. That it is necessary that the Bloomington-Normal Water Reclamation District replace the twenty-seven inch intercepting sewer line that was installed in 1925.

8. That the Petitioner desires to replace the twenty-seven inch intercepting sewer with a thirty-six inch diameter sewer line. The new line has steel casing which would increase the diameter to a forty-eight inch inside diameter.

9. That the construction contemplated would in all likelihood take one week's period of time and possibly up to three weeks. Construction should have no effect upon the public in general or the operations of Norfolk Southern Corporation. The new pipe would be laid by boring under the railroad tracks and the tracks could be used during the construction period.

10. It is anticipated that there would be no time at which the tracks under consideration could not be used.

11. The parties have attempted to come to an agreement which would allow the Petitioner an easement or license to install the replacement sewer line; such Easement being the same width as the license previously

granted by Respondent; however, the parties have not been able to reach an agreement.

12. The location of this proposed Easement would be at Mile Post C.R. (UM)-77, minus 101.6 feet, more or less.

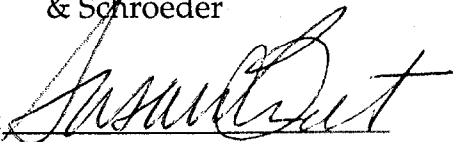
13. Plans and specifications for the construction have previously been submitted to Norfolk Southern Corporation.

14. The work and improvement contemplated by the Petitioner, is for public usage, and constitutes public purpose, namely the collection and treatment of sewage and it is necessary that the Petitioner's have and acquire, for the use of the people of McLean County for collection and treatment purposes, an Easement across Respondent's property to allow replacement of the existing sewer line.

WHEREFORE, Petitioner, Bloomington-Normal Water Reclamation District prays that the Illinois Commerce Commission, approve this Petition and allow the Petitioner to commence condemnation proceedings, either by "quick-take", or otherwise.

Bloomington-Normal Water
Reclamation District

By: Livingston, Barger, Brandt
& Schroeder

By: 

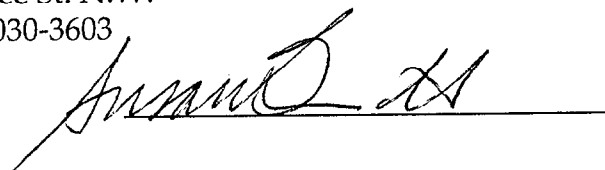
LIVINGSTON
BARGER
BRANDT
&
SCHROEDER

SUITE 400
115 W. JEFFERSON STREET
BLOOMINGTON, ILLINOIS 61701
(309) 828-6281
FAX (309) 827-3432

PROOF OF SERVICE

The undersigned certifies that a true and correct copy of the Petition to Proceed with Condemnation was served upon the following before 6:00 p.m. on the 15th day of August, 2000, by mailing a copy in the United States Mail at Bloomington, Illinois.

Norfolk Southern Corporation
One Georgia Center, Suite 1650
600 W. Peachtree St. N.W.
Atlanta, GA 3030-3603



LIVINGSTON
BARBER
BRANDT
A
SCHRORDER

SUITE 400
115 W. JEFFERSON STREET
BLOOMINGTON, ILLINOIS 61701
(309) 826-5281
FAX (309) 827-3432